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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

JOSHUA SIMON, DAVID BARBER, AND
JOSUE BONILLA, individually and on behalf of
all others similarly situated, DIANA BLOCK, an
individual, and COMMUNITY RESOURCE
INITIATIVE, an organization,

Plaintiffs,

v.

CITY AND COUNTY OF SAN FRANCISCO,
PAUL MIYAMOTO, IN HIS OFFICIAL
CAPACITY AS SAN FRANCISCO SHERIFF,

Defendants.

) CASE NO.: 4:22-cv-05541-JST
(San Francisco County Superior Court,
Case No.: CGC-22-601686)

**DECLARATION OF SUJUNG KIM
IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO DEFENDANTS'
MOTION TO MODIFY OR STAY IN
PART PRELIMINARY
INJUNCTION**

Honorable Jon S. Tigar
Courtroom 6, 2nd Floor
Hearing Date: March 21, 2024
Trial Date: Not set

J. Suiung Kim, declare:

1. I am an attorney licensed to practice in the State of California and am employed as a deputy public defender at the San Francisco Public Defender's Office. I have

worked in this office since 1997. I have personal knowledge of the facts set forth in this Declaration and, if called upon, could testify to those facts.

2. If a San Francisco Superior Court judge releases a defendant on pretrial electronic monitoring and subsequently needs to modify the conditions of release, the court can add the case for a future date and order the defendant to appear in court through counsel.
 3. The San Francisco Sheriff, who run the pretrial EM program, can similarly request that the court add to calendar the case of an EM participant to modify conditions of release.
 4. The Sheriff's practice has been to seek an arrest warrant by submitting an affidavit to the Superior Court when a pretrial EM participant has allegedly violated the EM rules, court order or other law, but, in my experience, I have never known the Sheriff to seek an arrest warrant for an EM participant merely to modify an EM condition when there has not been an alleged violation of the EM rules, court order or other law.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 21st day of February, 2024, at San Francisco, California.

/s/ Sujung Kim

Sujung Kim